

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
August 23, 2006
7:00 p.m.

Board Trustees present: Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Gary Frank, Milt Tokunaga, Ted Chavez, Julie Cozad and Peggy Wakeman.

Staff present: Town Attorney Bruce Fickel, Police Chief and Co-Interim Administrator Jim Burack, Public Works Director and Co-Interim Administrator Mike Woodruff, Town Clerk Kari Redman-Gutierrez, Finance Director Diana Vasquez, Senior Coordinator Lois Ann Onorato, Town Planner Danna Ortiz, and Town Engineer Larry Ketchum. Also present was Martin Hamilton of the Johnstown Breeze and the public.

PUBLIC HEARINGS

Purvis Annexation

Town Planner, Danna Ortiz described the property as an 80.46 acre property located northwest of the intersection of Weld County Road 46 and Quentine Avenue. . Purvis Properties, LLC wants to annex the property so that they can position the property for development in the future. They are requesting PUD zoning so that it can be developed as an integrated mixed-use neighborhood. She noted that the annexation complies with the Municipal Annexation Act of 1965 and the criteria set forth in Milliken's Land Use Code. She said that many adjacent landowners spoke at the Planning Commission public hearing because they had paid premiums for their lots because they were adjacent to "open space" and they were concerned that they would lose their views and that their property values would be impaired. She stated that the Planning Commission unanimously recommended that the Board of Trustees approve the annexation and PUD zoning subject to the conditions set forth in the staff report.

Ms. Ortiz then introduced Barbara Brunk Manager of Resource Conservation Partners P. O. Box 1522, Longmont, CO representing Purvis, LLC. Barbara Brunk gave a PowerPoint presentation describing the annexation proposal. Ms. Brunk reported that the intent of the family is to annex the family farm for future development within the Town of Milliken and zone the property for future development, consistent with the Milliken Comprehensive Plan. Ms. Brunk showed slides that depicted the vicinity of the property, the Milliken's Land Use Designations for the property, and the proposed parks, trails and open space surrounding the property. The property is contiguous to the Town limits on two sides and will provide an opportunity for diverse mixture of housing types in a mixed-use neighborhood. The family requests the property be zoned a Planned Unit Development (PUD). Ms. Brunk stated that PUD zoning will give the future developer flexibility for an "innovative, well designed, master planned development" and it will

give the Town the ability to “determine that such uses are compatible with one and another and with any property that could reasonably be impacted by any proposed PUD”. Ms. Brunk concluded by discussing the with referral comments. She stated that the landowner will continue to work with the oil and gas companies to accommodate existing and future oil and gas facilities. She said that once the property is annexed, the landowner will submit necessary paper work so that the property is included in the Milliken Fire District and excluded from the Johnstown Fire Protection District. She said that with regard to the adjacent property owners, the PUD will help guarantee that it is a quality development. The Purvis property is a third generation family farm, however it is not open space. The real estate agents obtained a \$1000 lot premium for views across open space, but they did not make a distinction between undeveloped open land and open space. The Town of Milliken has a very specific definition of open space verses open land. The Parks and Open Space Master Plan sets forth criteria for land that should be preserved. The Comprehensive Plan designates this land for future development and it is in the primary growth boundary.

Trustee Julie Cozad inquired if the landowners are not developing the property now, why annex at this time?

Ms. Brunk responded that the family favors being under the Town of Milliken’s jurisdiction for future development.

Property owner Kim Wierema of 507 South Ursula, Milliken, stated that she paid a premium for her lot where her house sits for the open view. She is concerned about the vagueness of the proposal and would like more information regarding the annexation and development. She concluded by stating that she is generally opposed to the development.

Trustee Tokunaga explained to her that the annexation is just the first step in development and he encouraged her and her neighbors to participate throughout the public processes for the property.

Hearing no further comments, Mayor Linda Measner closed the Purvis Annexation Public Hearing.

WCR Road 46 Annexation

Town Planner Danna Ortiz opened the public hearing by reporting that the Town desires to annex the portion of Weld County Road 46, between WCR 19 and Quentine Avenue to Milliken. The length of the road is approximately 5,226 feet in length. The purpose of the annexation is to give Milliken jurisdiction over the road to facilitate the installation of public utilities in the right-of-way in the near future. Staff did not receive any referral comments on the proposed annexation nor did anyone speak about it at the Planning Commission meeting. She noted that the Weld County Commissioners unanimously agreed to approve the annexation petition to Milliken.

Hearing no public comment, Mayor Measner closed the WCR 46 Public Hearing.

Platte River Metro District

Marcus McAskin of Grimshaw & Harring, Attorneys at Law, 1700 Lincoln Street, Suite 3800, Denver, CO 80203 represents the Platte River Metro District. He described the district as containing 618 acres with 520 lots and a zoning of Residential 1(R1) and Residential 2 (R2). The projected mill levy is 50 mills with a cap of 60 mills.

Russell Dykstra of Grimshaw & Harring, Attorneys at Law, 1700 Lincoln Street, Suite 3800, Denver, CO 80203, representing the Homestead Metro District described the property as containing 315 acres with a proposed 187 units. The plans include patio homes, low density single family and estate lots which would allow for horses. An equestrian center is planned and will include a trail system with an underpass under the highway. The projected mill levy is 40 mills with a 50 mills cap.

Bill Ankele of White, Bear and Ankele, 805 Shea Center Drive Suite 100, Highlands Ranch, CO represents the Centennial Crossing Metro District. Mr. Ankele indicated that Centennial Crossing is a large project containing 2500 acres of multi use properties. The project anticipates 4,765 residential units and 1,971,090 square feet of commercial development. It is to be developed in phases and have the capability of expanding the district. The debt would be \$52 - \$62 million with a debt cap of \$75 million.

It was determined to continue the Metro District Public Hearing until the next Board of Trustees meeting of September 13, 2006.

REGULAR MEETING

Mayor Measner called the regular meeting to order at 7:25p.m.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

PUBLIC COMMENT

No comments from the public were heard.

BOARD MEMBERS' REPORTS RE: ATTENDANCE AT OTHER MEETINGS

Trustee Wakeman reported that she had attended Town Engineer Ketcham's community meetings regarding the water and sewer infrastructure north and west of Milliken.

Mayor Pro Tem Lichfuss reported that the Dove Valley Senior Housing is progressing right on schedule. Buildings are going up and have had prospective tenants in the buildings measuring the rooms. She reminded us that there are two meetings coming up on August 28, 2006 at 8:00 a.m. and August 29, 2006 at 8:00 a.m. At the August 28th

meeting, the Loveland Housing Authority personnel will demonstrate the application process and answer questions for prospective tenants. At the August 29th meeting, applications will be available for buyers to complete and return to the Housing Authority.

CONSENT AGENDA

Mayor Pro Tem Lichtfuss moved to accept the Consent Agenda which includes:

- A) Approval of Minutes for August 9, 2006
- B) Approval of Final List of Bills for August 23, 2006
- C) Approval of Purchase Order to the Summit Recreation LLC
- D) Approval of Town Emergency Operations Plan (EOP) Resolution No. 06-20
- E) Approval of the Fire and Police Pension Association Benefit System Resolution 06-21
- F) Final Approval of dove Valley Pocket Park project Resolution No. 06-22
- G) Approval of the Amendment of Sections 2 and 3 of the Municipal regarding the policy for Employee Benefits, Ordinance No. 543

Trustee Chavez seconded the Motion.

Vote: All in favor, none opposed. Motion carried.

ACTION AGENDA

H) Purvis Annexation:

Town Planner Ortiz reported that the Purvis Properties, LLC wants to annex the property so that they can position the property for development in the future. She stated that the annexation and zoning applications comply with the criteria set forth in her staff report and in Resolution 06-24. She said that the information is available to the public if anyone wishes to review it. Town Planner Ortiz concluded by stating that both Staff and the Planning Commission recommend that the Board of Trustees approve the Purvis Annexation and PUD zoning subject to the following conditions:

- Revise the annexation map to exclude all of Weld County Road 46.5
- Petition for inclusion into the Milliken Fire Protection District and petition for exclusion from the Johnstown Fire Protection District.

Trustee Frank moved to approve the Purvis Annexation and PUD Zoning and to include the conditions listed above by Resolution 06-24 and Ordinance No. 544. Trustee Chavez seconded the Motion.

Vote: All in favor, none opposed. Motion carried

I) WCR Road 46 Annexation

Town Planner Danna Ortiz reported that the Town desires to annex the portion of Weld County Road 46, between WCR 19 and Quentine Avenue in Milliken. She stated that the annexation and zoning applications comply with the criteria set forth in her staff report

and in Resolution 06-25. She said that the information is available to the public if anyone wishes to review it. Ms. Ortiz concluded by stating the Planning Commission unanimously voted to recommend that the Board of Trustees approve the WCR 46 Annexation and PUD zoning. Additionally Staff recommends that the Board of trustees approve the Weld County Road 46 Annexation and PUD zoning.

Trustee Chavez moved to approve the Annexation of WCR Road 46 by Resolution No. 06-25 and Ordinance No. 545. Trustee Wakeman seconded the Motion.

Vote: All in favor, none opposed. Motion carried

J) Police/Court Building Project Bond

Alan Matlosz briefed the Board on the proposed Ballot item for purpose of acquiring land and constructing and equipping a Milliken Police building. Mr. Matlosz presented the Board with Bond Election Scenarios and proposed ballot language for the November's ballot. He reported that the Town has applied for a grant to pay for a portion of the proposed police building. The more grant money the Town receives, the less it would have to borrow, but the Town will not know if the grant is approved and the amount of the grant until later this year, after the ballot language has to be submitted to voters. A ballot question needs to be approved and submitted to the Weld County Clerk no later than the end of business on September 8, 2006.

Discussion: Trustee Cozad stated that she would like to see the sunset provision on the ballot, i.e., include date from implementation and how many years the debt would cover. Trustee Frank asked what the time frame would be. Mr. Matlosz said the ballot language could state as long as 20 years or as short as 14 years.

Mayor Pro Tem Lichtfuss moved to put the ballot question of acquiring land and constructing and equipping a Milliken Police Building on the November Ballot by Resolution No. 06-26. Trustee Tokunaga seconded the Motion.

Vote: All in favor, none opposed. Motion carried

K) Release Petro-Canada Resources – Drilling Bonds

Town Attorney Fickel asked the Board to release Petro-Canada Resources Drilling Bonds per their request. Petro-Canada Resources has two drilling bonds for the Town of Milliken and request the Bonds and the Letter of Credit issued February 24, 1994 are released. Staff recommends the Board approve the release of the Bonds.

Trustee Cozad moved to release the Petro-Canada Resources Drilling Bonds and the Letter of Credit. Trustee Chavez seconded the Motion.

Vote: All in favor, none opposed. Motion carried

L) Resolution to Amend 2006 Budget

Budget Director Vasquez asked to amend the 2006 Budget to reflect correct beginning fund balance and amended budget revenues and expenditures due to various changes. The 2006 budget adopted in December 2005 is estimated balances. After the audit is complete, the budget is corrected for actual beginning fund balances and other items which were not anticipated at the time of budget preparation. State Statues permit budget amendments twice a year. Staff recommends approval of the amended 2006 budget to reflect the budget as it stands as of August, 2006.

Mayor Pro Tem Lichtfuss moved to Amend the 2006 Budget by Resolution No. 06-27. Trustee Frank seconded the Motion.

Vote: All in favor, none opposed. Motion carried

M) Waste Management Rate Increase

Budget Director Vasquez asked the Board of Trustees to approve a \$.50 increase to the citizens of Milliken for trash collection. The Town of Milliken has contracted with Waste Management for trash collection services. The original contract with Waste Management was at a cost of \$7.00 per customer, per month; the Town then adds a \$1.00 for administrative costs and bills that amount to customers. Waste Management has increased the rate by \$.50 and the Town desires to pass that rate increase to the customer. Staff recommends the Board approve the \$.50 increase for trash collection.

Trustee Wakeman moved to add an Administrative fee of \$1.00 in addition to the fee charged to residents. Trustee Cozad seconded the Motion.

Discussion: Trustee Cozad asked to confirm that the \$.50 was a monthly charge. Trustee Wakeman inquired when the rate increase would be effective. Trustee Frank indicated that it should be effective immediately and not wait.

Finance Director Vasquez replied that the increase will be effective September 1, 2006.

Trustee Wakeman withdrew her motion and Trustee Cozad withdrew her second.

Trustee Wakeman moved that the Town of Milliken bill \$1.00 over the charge that the Waste Management entity charges to the Town on a monthly basis to cover Administrative costs. Trustee Cozad seconded.

Vote: All in favor, none opposed. Motion carried

Mayor Pro Tem Licthfuss moved to go into executive session at 8:10 p.m. according to C.R.S. 24-6-402(4) (b), to confer with an attorney for the Town for the purposes o receiving legal advice on specific legal questions. Trustee Tokunaga seconded the motion.

Mayor Linda Measner stated "The time is now 9:47 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Linda Measner, Mayor ProTem Janie Lichtfuss, Trustees Gary Frank, Milt Tokunaga, Ted Chavez, and Julie Cozad, Town Attorney Bruce Fickel, Co-Interim Administrator, Police Chief Jim Burack, Co-Interim Administrator, Public Works Director, Mike Woodruff, Finance Director Diana Vasquez, Town Clerk Kari Redman-Gutierrez, Attorneys Blake Jordan, Marcus McAskin, and Russ Dykstra.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, we will continue the regular meeting."

Adjournment

Trustee Chavez moved to adjourn the meeting. Meeting adjourned at 9:49 p.m.

Kari Redman-Gutierrez, Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor